

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CRIMINAL ACTION NO. 5:22-CR-00061-KDB-DCK-1**

**UNITED STATES OF AMERICA,**

**v.**

**LENEIL RANDOLPH GREEN,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court on what can most generously be described as Defendant Leneil Randolph Green’s request to look at recent amendments and see if they apply to him. (Doc. No. 34). The Court will interpret his vague request as a motion for reevaluating his sentence on whether a departure pursuant to Amendment 829 was warranted because of his age when he committed prior offenses. Having carefully reviewed the Defendant’s deemed motion and all other relevant portions of the record, the Court will deny the motion.

Defendant believes that the Sentencing Commission’s recent amendment to U.S.S.G. §5H1.1 in Amendment 829 may affect his sentence. *Id.* at 2. Defendant was sentenced on November 3, 2023, and this Court considered all the characteristics of Defendant when tailoring a proper sentence under the Sentencing Commission’s guidelines. Furthermore, Amendment 829 became effective on November 1, 2024, and is not retroactive. Additionally, the language in the amendment states “a downward departure also *may* be warranted due to the defendant’s youthfulness at the time of

the offense or prior offenses”. It remains in the Court’s discretion whether a departure is warranted.

**IT IS, THEREFORE, ORDERED**, that Defendant’s deemed motion for reevaluating his sentence on whether a departure was warranted pursuant to Amendment 829 (Doc. No. 34), is **DENIED**.

**SO ORDERED.**

Signed: January 15, 2025

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell  
United States District Judge

